

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MICHAEL HOWARD HUNTER,  
Petitioner,  
vs.  
SPOKANE COUNTY SHERIFF,  
Respondent.

NO. CV-09-166-CI

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND DISMISSING  
ACTION WITHOUT PREJUDICE

BEFORE THE COURT are the Report and Recommendation to dismiss this habeas action without prejudice (Ct. Rec. 12), Petitioner's Objections (Ct. Rec. 22), and various motions and affidavits seeking appointment of counsel and Petitioner's immediate release (Ct. Rec. 3), the production of documents (discovery), and the production of Petitioner (Ct. Recs. 7, 14, 16, 18). Petitioner also complains the application of Local Rules requiring him to note his motions for hearing are unconstitutional as they do not accommodate his desire for immediate relief (Ct. Recs. 16 and 21). Mr. Hunter is proceeding *pro se* and has paid the \$5.00 filing fee; Respondent has not been served.

The court has reviewed the Report and Recommendation, Mr. Hunter's Objections, as well as his motions, affidavits and other submissions. For the reasons set forth by the Magistrate Judge, **IT IS** ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING ACTION WITHOUT PREJUDICE -- 1

1 **ORDERED** the Report and Recommendation is **ADOPTED in its entirety** and  
2 this action is **DISMISSED without prejudice** to Petitioner pursuing his  
3 claims of retaliatory prosecution in ongoing state criminal  
4 proceedings. See *Younger v. Harris*, 401 U.S. 37, 42 (1971). The  
5 pending motions are **DENIED as moot**.

6 **IT IS SO ORDERED.** The District Court Executive is directed to  
7 enter this Order, enter judgment, forward copies to Petitioner at his  
8 last known address and close the file.

9 **DATED** this 7<sup>th</sup> day of August, 2009.

10  
11 s/Robert H. Whaley  
12 ROBERT H. WHALEY  
13 SENIOR UNITED STATES DISTRICT JUDGE  
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